

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>DAMON ZEIGLER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:12-CV-480 (MTT)</b>
	)	
<b>DARRELL HART, WARDEN,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

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**ORDER**

This matter is before the Court on the Recommendation (Doc. 26) of United States Magistrate Judge Stephen Hyles on Petitioner Damon Zeigler's petition for writ of habeas corpus (Doc. 1) seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254 and motion for summary judgment (Doc. 14). The Magistrate Judge recommends denying the Petitioner's petition because his claims of ineffective assistance of trial counsel were not incorrectly found to be procedurally barred. The Magistrate Judge further recommends denying the Petitioner's motion because he has not shown that the state habeas court's application of *Strickland v. Washington*<sup>1</sup> to his ineffective assistance claims of appellate counsel was objectively unreasonable. The Magistrate Judge also recommends denying the Petitioner's motion for summary judgment because it is essentially a request for default judgment, which is not appropriate in a habeas corpus case. The Petitioner filed an objection to the Recommendation (Doc. 27).

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<sup>1</sup> 466 U.S. 668 (1984).

The Petitioner objects to the Recommendation because the Magistrate Judge did not address the cases the Petitioner cited in his brief, and the Recommendation did not provide him with a more detailed explanation of how he failed to meet the *Strickland* test under the relevant state law. The Petitioner misunderstands the Court's standard of review pursuant to AEDPA, 28 U.S.C. § 2254. The Magistrate Judge did not determine that the Petitioner failed to satisfy *Strickland* regarding his ineffective assistance of appellate counsel claims. Instead, the Magistrate Judge appropriately determined whether the state habeas court's decisions were "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." 28 U.S.C. § 2254(d)(1). The Petitioner fails to address the Recommendation's findings that the state habeas court's determinations were not objectively unreasonable.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court, and the Petitioner's petition for writ of habeas corpus is **DENIED**. Further, pursuant to the Magistrate Judge's Recommendation, the Petitioner's motion for summary judgment and a certificate of appealability are **DENIED**.

**SO ORDERED**, this the 19th day of March, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT